

REMARKS

This paper is responsive to the Office Action mailed March 8, 2006.

Claims 13, 29 and 41 were rejected under 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of these rejections are respectfully requested.

The Office states that the phrase “deep link” is indefinite. However, the phrase “deep link” is an industry accepted term for linking deep within a web site to a specific page (as opposed to linking to a web site’s home page). Moreover, the objected to phrase is used in context in the claims: “and a deep link into the other Web site where the recommended product is featured”, which makes its meaning perfectly clear and in line with the commonly understood meaning of the phrase.

Examples of the use of the phrase “deep link” in **issued patents** include the following:

7,039,684Method and system for collecting and providing multimedia content
7,039,165System and method for personalizing an interactive voice broadcast of a voice service based on automatic number identification
7,016,480System and method for granting permission to receive interactive voice broadcast of a voice service
7,000,242Directing internet shopping traffic and tracking revenues generated as a result thereof
6,941,368Protecting resource URLs from being served without a base web page
6,850,944System, method, and computer program product for managing access to and navigation through large-scale information spaces
6,839,760Method for preventing deep linking into a web site
6,539,424Restricting deep hyperlinking on the World Wide Web
6,414,332Media for control of thermal emission and methods of applications thereof

An even greater number of **published applications** using the phrase “deep link” provide further evidence that the term is not indefinite:

20060101003Active abstracts
20060074903System and method for ranking search results using click distance
20060014405Structure for mounting a component to a circuit-board
20050216824Method and apparatus for configuring and establishing a secure credential-based network link between a client and a service over a data-packet-network
20050203844Method and system for network transaction management

20050198377Method and system for verifying state of a transaction between a client and a service over a data-packet-network
20050154681Copyright detection and protection system and method
20050154680Copyright detection and protection system and method
20050154678Copyright detection and protection system and method
20050144048Method and apparatus for improved customer direct on-line reservation of rental vehicles
20050125285Method, system, and storage medium for providing deep linking functions with digital rights management
20050119921Method and apparatus for customer direct on-line reservation of rental vehicles including deep-linking
20040059672Wide area network person-to-person payment
20040054605Method and system for publishing a real estate listing through a global computer network
20040039612Method and apparatus for customer direct on-line reservation of rental vehicles
20030144989Method and system for determining athletic compliance
20030110225Internet-based cooperative e-mail advertising medium
20030037010Copyright detection and protection system and method
20020105539Apparatus and methods for displaying information on mobile communication devices
20020069261Methods and systems for rule-based distributed and personalized content delivery
20020065877Methods and systems for creating and sharing customized web sites and portals
20020046147Method and process for providing relevant data, comparing proposal alternatives, and reconciling proposals, invoices, and purchase orders with actual costs in a workflow process
20020039114Method and system of navigating using a graphical portal
20020010639Computer-based interpretation and location system
20010029538Method and system for collecting and providing multimedia content

Therefore, in view of the clear usage of the phrase “deep link” in the claims and specification, it is respectfully submitted that the phrase is not indefinite. Moreover, this assertion is bolstered by the exceedingly common use and acceptance of the same phrase by the USPTO and other applicants, as shown above.

This phrase is also commonly used outside of the patent arena. Webopedia defined the term as early as April of 2003 as follows, at http://www.webopedia.com/TERM/D/deep_link.html:

deep link

Last modified: Thursday, April 10, 2003

(n.) A hyperlink either on a Web page or in the results of a search engine query to a page on a Web site other than the site's home page. Typically, a Web site's home page is the top page in the site's hierarchy, and any page other than that is considered "deep."

For example, if a visitor linked to the Webopedia page http://www.webopedia.com/TermD/deep_link.html, this would be considered a deep link because the site linked to one of Webopedia's pages other than its home page, <http://www.webopedia.com>.

Some in the industry have opposed the proliferation of deep links as they drive users away from a site's home page where there are advertisers paying for space based on page views.

(v.) To link to a page on a Web site other than its home page

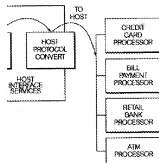
Therefore, it is respectfully submitted that the phrase “deep link” is not indefinite. Reconsideration and withdrawal of the 112(2) rejection of claims 13, 29 and 41 are, therefore, respectfully requested.

Claims 1-20 and 23-44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pearson (U.S. Patent No. 6,023,684) in view of McMichael (U.S. Patent No. 6,941,339). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1 recites:

retrieving user information corresponding to the user identification data from a database of user information accessible to the first server;
applying the retrieved user information to a rule base including a plurality of rules;
selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and
causing the Web site to display the selected content to the accessing computer.

At the outset, the Office's rejection of claims 1, 18 and 35 states that the “host” in the primary reference is equivalent to the claimed second server (“In Pearson's design, the host is equivalent to the claimed second server, see column 4, lines 44-65, Pearson”, page 3, paragraph 1 of the outstanding Office Action). However, in the primary reference to Pearson, the “host” or “host system” is shown in Fig. 6 as being the “Credit Card Processor”, the “Bill Payment Processor”, the Retail Bank Processor” and the “ATM Processor”, as evidenced by the “To Host” arrow, as shown in Pearson's Fig. 6:



These servers are also variously called the “Back End Servers” (Fig. 2) or “back end system” or “Host System” in Pearson. The host system is coupled to the application service 14 via a host interface 20, as shown in Figs. 1 and 2 of Pearson. In turn, the application service 14 includes the application server 56 and the communication server 60 (Fig. 1, Col. 8, lines 10-16).

At the outset, claim 1 calls for a method for a first server to select content to be displayed on a computer accessing a Web site of a second server. If Pearson’s host (“Credit Card Processor,” the “Bill Payment Processor,” the Retail Bank Processor” and the “ATM Processor”) is the claimed second server, the rejection fails on its face, as Pearson does not teach or suggest any computer accessing any Web site of the “Credit Card Processor,” the “Bill Payment Processor,” the Retail Bank Processor” or the “ATM Processor.” Moreover, in Pearson, there is no content that is selected by anybody “to be displayed on the second server’s Web site,” and much less any content that is selected “based upon a result of the application of the retrieved user information”, as claimed and required by claim 1. In Pearson, the database server (also called the local data memory 16) simply works as a cache memory for pre-fetched data retrieved from the host system (the aforementioned “Credit Card Processor”, the “Bill Payment Processor,” the “Retail Bank Processor” or the “ATM Processor”) to enable fast access thereto by the application server 56. “The data in the local data memory is used to process client requests without requiring real time responses from the legacy database” (Col 4, lines 28-30). “Thus, local data memory 16 acts as a cache memory for user data during a logical session” (Col 7, lines 13-15).

Therefore, even if the secondary reference to McMichael discloses a rules engine, the applied combination fails. Indeed, the combination fails not only because no first server is taught to select content of a web site of the back end servers (“Credit Card Processor”, the “Bill Payment Processor”, the “Retail Bank Processor” or the “ATM Processor”), as required by the claim (see preamble), but

also because the pre-fetched data in the database server 58 of Pearson is never disclosed to be selected (by rules or any other mechanism) for display on a web site accessed by the user, as would necessarily be so, if the applied combination taught or suggested the claimed inventions. The data in the database server 58 is just pre-fetched information that is locally stored to facilitate quick access thereto. No selection is made on this data, by rules or otherwise. It is simply a locally cached copy of the data from the “Credit Card Processor”, the “Bill Payment Processor”, the “Retail Bank Processor” or the “ATM Processor” back end servers, accessed through the communications server and stored on the database server 58.

The discussion above also applies in full to independent claim 18. Moreover, claim 18 requires that the rule base be accessible to the merchant web server. However, in McMichael, the rules are set not by a merchant web server, but by the user. See McMichael, column 6, lines 17-29. For the reasons set forth above, the applied combination is not believed to teach or to suggest the claimed invention. For example, the primary and the secondary references neither teach nor suggest any affiliate server or any process for an affiliate server to send collected user identification to the merchant server along with a request for content. Moreover, it is manifest that the applied combination does not teach any process to “integrate the selected content into the Web site controlled by the affiliate server”, as required by claim 18.

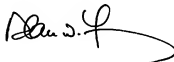
The above arguments are also applicable to method claim 35. For example, no request for personalized content of any Web site is even hinted at in the applied combination. However, such a request forms the very first claimed step of claim 35. This step also requires that the accessed Web page include embedded code configured to send the request for personalized content to the first server. It is also apparent that the applied combination teaches nothing of the sort. The Office, moreover, has not even addressed this limitation, as it rejected each of the independent claims in bulk

in a single paragraph of page 3 of the outstanding Office Action, without considering the actual claim limitations of each, as it must for a proper obviousness rejection. For at these reasons and the reasons set forth above relative to claims 1 and 18, the rejections are believed to be untenable, as the applied combination of references does not teach or suggest what is actually claimed in these claims. Reconsideration and withdrawal of the 35 USC §103(a) rejections are respectfully requested.

Lastly, page 2 of the outstanding Office Action states that “Applicant’s request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.” This is factually incorrect. For sake of the record’s accuracy, it is respectfully submitted that applicant did not submit a request for reconsideration of the finality of any Office Action. Instead, the applicant submitted a Notice of Appeal and an Appeal Brief, appealing the final rejection of the claims. The Brief was effective to overcome all rejections in the Final Office Action of May 16, 2005 – not simply to change the final nature thereof.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



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By: _____

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